

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MAYER HOFFMAN McCANN P.C.,

Plaintiff,

vs.

**THOMAS L. BARTON,
ANTHONY W. KRIER,
JAMES N. STELZER, and
JOHN C. WALTER,**

Defendants.

Case No. 08-0574-CV-W-GAF

FINAL ORDER GRANTING PERMANENT INJUNCTION AND JUDGMENT

This action came to trial before the Court. The issues have been tried or heard and a decision has been rendered. Based on the evidence and arguments submitted by the parties, this Court concludes that Plaintiff Mayer Hoffman McCann P.C. (“MHM”) is entitled to damages and a permanent injunction.

ACCORDINGLY, IT IS HEREBY ORDERED THAT defendants Thomas L. Barton, Anthony W. Krier, James N. Stelzer and John C. Walter, and all other persons in active concert or participating with them who receive actual notice of this Order, are restrained and enjoined from engaging in the following conduct:

- (1) Directly or indirectly soliciting, attempting to solicit, or causing to be solicited, taking away, attempting to take away, or otherwise interfering with MHM’s relationship with any customer or Qualified Prospective Customer as these terms are used in the Stockholder’s Agreement; and
- (2) Soliciting any additional attest services to any customer or Qualified Prospective Customer as these terms are used in the Stockholder’s Agreement; and
- (3) Directly or indirectly, soliciting (or attempting to solicit), inducing (or attempting to induce), causing or facilitating any employee, director, agent, consultant, independent contractor, representative or associate of MHM to terminate his, her

or its relationship with MHM or, soliciting (or attempting to solicit), inducing (or attempting to induce), causing or facilitating any supplier of services or products to MHM to terminate or change his, her or its relationship with MHM or otherwise interfere with any relationship between MHM and any of MHM's suppliers of products or services; and

- (4) Copying, disseminating or using any MHM trade secrets or MHM confidential information regardless of how such confidential information may have been acquired, except for the disclosure of such confidential information as may be (i) in keeping with the performance of duties with MHM, (ii) as required by law, or (iii) as authorized in writing by MHM.

Defendants Barton, Krier, Stelzer, and Walter are restrained and enjoined from soliciting clients or additional attest work for a period of two years from August 1, 2008.

IT IS FURTHER ORDERED that Defendants provide a copy of this Order to each employee of Barton, Walter & Krier, LLC ("BWK").

IT IS FURTHER ORDERED that Plaintiff MHM recover from defendants the sum of \$1,369,921.00 in liquidated damages, with interest thereon as required by law and its costs of this action.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: April 1, 2009